


Clean Air Act7-41-A. Noncompliance Penalty: Assessment and Signing Consent Agreements

1. **AUTHORITY.** Pursuant to Section 120 of the Clean Air Act:
 - a. To assess and receive payment of a noncompliance penalty against every person described in Section 120(a)(2)(A) of the CAA.
 - b. To negotiate and sign consent agreements memorializing settlements between the U.S. Environmental Protection Agency and respondents under Section 120 of the CAA.
2. **TO WHOM REDELEGATED.**
 - a. Director, Enforcement and Compliance Assurance Division, for 1.a. and 1.b.
 - b. Regional counsel, for the authority to negotiate consent agreements under 1.b.
3. **LIMITATIONS.**
 - a. Any official exercising this authority must first consult with the assistant administrator for the Office of Enforcement and Compliance Assurance. The AA may waive, in writing, the consultation requirement.
 - c. The agency official who signed the complaint should sign the settlement agreement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be relegated to the branch chief level, or equivalent, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.** None.



Debra H. Thomas
Acting Regional Administrator

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Date